

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

JS 6

Case No. CV 11-4710 DSF (VBKx)

Date 6/8/11

Title Federal National Mortgage Association v. Moises Rodriguez, et al.

Present: The  
Honorable

DALE S. FISCHER, United States District Judge

Debra Plato

Not Present

Deputy Clerk

Court Reporter

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

**Proceedings:** (In Chambers) Order REMANDING Case to Superior Court of California

This matter was removed from state court on June 2, 2011, based on federal question and diversity jurisdiction. The complaint is a state law unlawful detainer complaint and does not state a federal cause of action. While the notice of removal claims jurisdiction due to a denial of due process and various other federal claims, (see Notice of Removal ¶¶ 8, 12), federal jurisdiction is based on the plaintiff's complaint and not on any federal counterclaims or defenses that a defendant might assert. See Holmes Group, Inc. v. Vornado Air Circulation Sys., Inc., 535 U.S. 826, 830-32 (2002). The complaint concerns possession of the property, not title. Diversity jurisdiction is not present because the complaint, on its face, states that possession of the property is valued at \$30.00 per day. (See Compl. ¶ 9.)

The case is REMANDED to the Superior Court of California, County of Los Angeles.

IT IS SO ORDERED.